

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

Land – Anathapuramu, District – R.P. filed by Smt.Agraharam Krishnamma, W/o Govindappa resident of Rayadurg Village & Town against the orders of Joint Collector, Anathapuramu, issued in proceedings D. Dis (A6) No.3517/94, Dt.13.05.1997-Allowed – Orders – Issued.

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**Revenue (Assignment – V) Department**

G.O.Ms.No. 66

Dated:03.02.2014

Read the Following:-

Ref: 1. R.P. of Agraharam Krishnamma W/o Govindappa R/o Rayadurg Dt.20.10.2008.

2. Govt Memo No.56124/Asn.V(2)/08, dt.11.12.08.

3. From the Tahsildar, Rayadurg, Rc.No.B/633/05, dt.23.07.2009.

4. From the Collector, Anathapuramu, E1/2548/09, dt.04.12.09

5. Govt Memo No.56124/Asn.V(2)/08-5 dt.30.12.08

6. Govt Memo No.56124/Asn.V(2)/08-12 dt.06.11.12

7. Govt Memo No.56124/Asn.V(2)/08-13 dt.24.04.2013.

8. From the Tahsildar, Raydurg, Lr.Rc.No.B/633/05,dt.31.05.2013

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**ORDER**

In the reference 1<sup>st</sup> cited above, Smt.Agraharam Krishnamma, W/o Govindappa resident of Rayadurg Village & Town, Anathapuramu, District, has filed Revision Petition before the Govt., under section 4.B(1) of A.P. Assigned lands (POT) Act, 1977 against the orders of Joint Collector, Anathapuramu issued in Proceedings D.Dis.(A6) No.3517/94, dt.13.05.1997, on the following grounds:

1. Resumption order of the respondents made in Proceedings in R.C.No.966/93 dt. 16.12.1993 of the Tahsildar, Rayadurg and D.dis(B) 172/94 Dt.07.02.1994 of R.D.O. Dharmavarmu and D.Dis A:6/No.3517/94 dt.13.05.1997 of the Joint Collector, Ananthapuramu, is contrary to evidence and without jurisdiction.
2. The respondents failed to see that the land in question is not an assigned land and it is patta land of his vendor.
3. The respondents not even referred the proceedings Number under which the land in question is assigned to his vendor, and simply passed the impugned orders only to satisfy the political leaders.
4. Sri Madiga Obulesu is the registered holder of land in question and to that effect entries are made in 1934 registration records and the same is filed for proper appreciation.
5. The Diglot relating to the land in question reveals the fact that the land in question is not an assigned land and the Xerox copy of the Diglot of the year 1930 filed for proper appreciation.

Other grounds if any will be urged at the time of arguments.

While submitting the documentary evidence, the Revision Petitioner has requested to call for the records relating to proceedings of D.Dis No.A6/3715/1994 dt.13.05.1997 of 3<sup>rd</sup> respondent and set aside the same as illegal, arbitrary and without jurisdiction and consequently direct the 1<sup>st</sup> respondent to enter the appellants name in the revenue records and issue pattadar pass books and make necessary entries in the revenue records.

In the reference 4<sup>th</sup> read above, the Collector, while furnishing the original record has submitted parawise remarks.

Para 1: No Remarks

Para 2: It is not true, because as per the diglot of Raydurg Village the land Sy.No.295-1B, Ext.2-40 acres & 295-3 Ext 0-91acres is a Government land and assigned in favour of Madiga Obulesu.

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Para 3: It is not true, because the then Mandal Revenue Officer, Rayadurg after pursuing the entire records available in this office has opined that the land in question is an assigned land and resumed the land in question to the Government in his progs.Rc.No.966/03 dated 16.12.93 on the ground that she purchased assigned land from the depressed caste person. Subsequently the Revenue Divisional Officer, Dharmavaram and District Collector, Anantapur have confirmed the orders passed by the then Tahsildar, Rayadurg. Hence it clearly knows that it is an assigned land.

Para 4: It is a fact that Sri Madiga Obulesu is the register holder of the land in question such entries might be recorded in the register holding of the Sub-Registrar, Raydurg from 1934-1953.

Para 5: It is not true, because the diglot of Raydurg town clearly shows that the land in question is a Government land and subsequently assigned to Sri Madiga Obulesu.

In view of the above facts the Tahsildar, Rayadurg has requested to dismiss the Revision Petition filed by Smt. Agraharam Krishnamma W/o Govindappa of Rayadurg town as it deserves no consideration.

### **ORDER**

Case called on several times, and finally called on 3.7.2013. The Council for the Appellant has argued that the appellant herein purchased an extent of Ac.2.36 cents of agricultural land in Sy.No.295-1B and an extent of Ac.0-91 cents in Sy.No.295-3 of Rayadurg Village and Town of Anantapur District on 17.09.1962 from Sri Hanumanthappa and Sri Chinna Hanumanthappa sons of one Harijana Obulesu vide Regd. Document No., 1112/1962 of Rayadurg Sub-Registrar's Office and since then the appellant is in possession and cultivating the same till today. While the matter stood thus, the Ex-MLA of Raydurg seems to have made an application complaining that the appellant purchased the above stated land from Harijans, which is assigned to them. I submit that the 1<sup>st</sup> respondent at the instance of the then MLA without verifying the records properly, and without knowing the proceedings, under which the land was assigned to my vendors, passed the resumption order on 16.12.1993.

After going through the arguments made by Council for the petitioner and the respondents, it is noticed that, nowhere it was mentioned about the Proceedings in which assignment was made in favour of Harijana Obulesu, and in all the proceedings of the Tahsildar, R.D.O & the Joint Collector it was mentioned that the land was assigned to Harijana Obulesu, whereas the name of Sri Harijana Obulesu was found in the name and style of Madiga Obulesu in the Sub-Registrar office record produced for the year 1930. It clearly shows that Sri Madiga Obulesu is the absolute owner of the Subject land, and the authorities have failed to produce the documentary evidence to determine that the land was assigned to Harijana Obulesu/Madiga Obulesu.

Even considering the noting of the respondent authorities, that if the land was assigned to Obulesu, how can the land will be registered in the Sub-Registrar Office in the year 1962, against the provisions of Rule 26(i) of A.P. Registration Act, 1908. As per Rule 26(i) (Every document shall before acceptance for registration be examined by the Registering officer to ensure that all the requirements prescribed in the Act and in these rules have been complied with.

Further as per the Documentary evidence produced by the Revision Petitioner that the name of his Vendor Harijana Obulesu / Madiga Obulesu

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has been recorded as pattadar of the land to an extent of Ac.2.40 in Sy.No.295/1 and an extent of Ac.0.91 cts., in Sy.No.295/3 of Rayadurg (Vi) in the revenue records for the year 1930, as per the proceedings of the then Collector issued on the corrections to be made in the Revenue Accounts as the result of re -demarcation of the Frontier boundary between Mysore and British – Rayadurg Taluq.

Further as seen from the certified copy of the document produced by the council for the petitioner the name of Sri Madiga Obulesu is shown as absolute owner of the property and Smt. Agraharam Krishnamma, has purchased the land from the vendor on payment market value @ of Rs.600/- by paying Stamp duty and Transfer Duty. It clearly shows that the petitioner in a good faith purchased the land, and the registration authorities have registered the same and released the Document as Document No.1112/1962, under the provisions of the above said Registration Act 1908 and ever since the land is under the enjoyment of the petitioner.  
Further as per rule K (i) of A.P Rules under the Registration Act, 1908.

The registering officer shall ensure at the time of presentation for registration of cancellation deeds of deeds of previously registered deed of conveyances on sale before him that such cancellation deeds are executed by all the executant and claimant parties to the previously registered conveyance on sale and that such cancellation deed is accompanied by a declaration showing mutual consent or orders of a competent Civil or High Court or State of Central Government annulling the transaction contained in the previously registered deed of conveyance on sale;

Hence as per the above Rule, unless and until the Document which was registered and released is cancelled, by following the procedure as per the rules envisaged above, further action cannot be taken as per the settled Law.

Further the appellant who is a land less poor (having no lands in 1962) has purchased the schedule lands covered by form I notice for a valuable consideration under registered sale deed dated 17.09.62 and took possession and enjoyment the same and also improved the lands by dint of hard labour and has continued to be in possession even till this date.

Against this the respondent authorities have failed to produce the documentary evidence in support of their proceedings passed earlier, stating that Sri D. Thimmappa, F/o Smt. Agraharam Krishnaveni, Revision Petitioner having lands prior to 1962 i.e., purchase of the land by the Revision Petitioner. As seen from the Proceeding of the then M.R.O. Raydurg Dt.11.12.1993, Sri Tippu Swamy, Anand, Ramanjiah & Gopal (minor guardian of Smt. A. Krishnamma have acquired land to an extent Ac.4.07 cts., through a sale deed in the year 1964 & Didakunta Timmappa, F/o A.Krishnamma, have acquired an extent of Ac.20.87 cts, through a gift Deed in the year 1982, and Sri D.Timmappa through a gift deed in the year 1982, have acquired an extent of Ac.33.84 cts., respectively. All the Documents showing that the petitioner is a land less person at the time of purchase. The respondent authorities failed to produce the documentary evidence that the thick and thin of the Revision Petitioner have acquired these properties prior to 1962.

Hence Sub Section 5 of Section 3 of Act 9 of 1977 shall automatically applicable to the instant case, as the Revision Petitioner is land less poor at the time of purchase of the land and also belonging to Back word Classes Community.

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The Tahsildar Rayadurg, who was attended the hearing on 1.5.2013 on behalf of the respondent was directed to submit the Adangal Extracts since Fasli 1929 to 1934. Accordingly the Tahsildar, has submitted copies of the Adangal from Fasli 1373 to 1381, 1383 and 1385. As perused from the copies of the Adangals for the years 1929 – 1934, the names of Sri Hanumanthappa and Chinna Hanumanthappa sons of Sri Harizana Obulesu, have been recorded as patadaras in the pattadar column, and the name of Obulusu, has been round off with a marker.

Thus it is evident that the land belonging to Harizana Obulesu, and in turn to the Successors of i.e., Chinna Hanumantappa & Pedda Hanumantappa.

The only base in passing the proceedings in D.Dis No.A6/B7/15/1999 Dt.13.05.1999 con-firming the orders of R.D.O & as well as M.R.O. duly setting aside the R.P. filed by the revision petitioner, is under belief that the land is an assigned one. However, no documentary evidence has been produced by the respondent to that effect.

Under the absence of recorded documentary proof it can not be determined that the land is an assigned one.

Under the above circumstances, and keeping in view the circumstantial evidences it has to be treated that, the vendor of the Revision Petitioner is an absolute owner of the land prior to 1930.

In the absence of the recorded evidence, the legitimate rights of a person who is a bona-fide purchaser of the land with good faith can not be denied.

In view of the reasons, the Revision Petition filed by Smt. Agraharam Krishnamma, is hereby allowed duly setting aside the proceedings of the Joint Collector, Ananthapuramu, issued in D.Dis.A.6/No.3517/94, Dt.13.05.1997.

Typed to dictation, corrected by me and pronounced the order Dated. 30-01-2014.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.R.MEENA  
PRINCIPAL SECRETARY To GOVERNMENT

To  
Smt. Agraharam Krishnamma, W/o Govindappa,  
Kothigutta Colony, Rayadurg, Town, Ananthapur District,  
Sri S.D.Goud and Sri N. Prem Raj, Council for the petitioner,  
Advocated, Hyderabad.  
Collector, Ananthapuramu District.  
Joint Collector, Ananthapuramu District.  
Spl. Chief Secretary & Chief Commissioner of  
Land Administration, Hyderabad.  
The Revenue Divisional Officer, Dharmavaram, Ananthapuramu District.  
The Tahsildar, Rayadurg, Ananthapuramu District.  
SF/Sc.

// FORWARDED :: BY ORDER//

SECTION OFFICER